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Rt Hon Caroline Nokes MP
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Lord Boswell of Aynho
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Dear Tim,

12112/18: Amended proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum (EUAA) and repealing Regulation (EU) No 439/2010

I am responding to the Committee's letter of 14 November on the above proposal to provide further information concerning the Government's approach. I am sorry for the delay in my response.

JHA opt-in decisions should be taken in the national interest, and we should opt into a measure only where we consider there will be operational, policy or legal benefits from doing so. The UK took the decision not to opt into the initial proposal for an EUAA Regulation to repeal the EASO Regulation, that was published in 2016, based on several problematic elements. The 2016 Regulation provided the EUAA with a significant amount of oversight over national asylum systems and, by virtue of opting in, the UK could become subject to evaluations and recommendations from the Agency, who would have powers to monitor Member States' asylum systems. The amended version of the Regulation gives the Agency further powers to intervene in Member States' asylum systems than the previous version, including monitoring and evaluation. The UK Government remains of the firm view that the functioning of asylum systems is a sovereign issue.

The UK Government intends on continuing its work with EASO throughout the Implementation Period, and until the EUAA Regulation is formally adopted and the new Agency comes into existence. However, we will not be opting into this amended proposal because as set out in the Explanatory Memorandum, it does not address any of the UK's concerns in relation to the text.

I trust this letter assists you in your further scrutiny.

I am copying this letter to Sir William Cash MP, Chair of the Commons European Scrutiny Committee; Jessica Mulley, Clerk to the Commons Committee; Chris Johnson, Clerk to your Committee; Les Saunders, Department for Exiting the European Union; and Alejandra Bernal, Departmental Scrutiny Coordinator.

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